

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director
Prepared by: Michael Mungal, E.I.T.

SUBJECT Ordinance of the Town of Davie revising prohibited operation of vehicles

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 24, CODE OF ORDINANCES, ENTITLED “TRAFFIC AND VEHICLES”, BY AMENDING ARTICLE I THEREOF, ENTITLED “IN GENERAL”, BY AMENDING SECTION 24-3 THEREOF ENTITLED “PROHIBITED PARKING; PROHIBITED OPERATION OF VEHICLES”, SEC. 24-3 (B) & (D) BY REVISING TEXT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The Town Engineering Division has determined that it is necessary to clarify and enhance the language being used in sections 24-3 (b) & (d). The current language does not allow staff to operate motorized vehicles on the banks of the C-11 canal, Town designated bicycle paths and horse trails. Specific language must be added to the existing text in order to allow Town staff to operate motorized vehicles for Town designated purposes.

PREVIOUS ACTIONS: At the August 2, 2006 Council Meeting, the council requested text be amended to include official town business in two locations of Ordinance.

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Staff recommends that the ordinance be adopted by Town Council.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 24, CODE OF ORDINANCES, ENTITLED "TRAFFIC AND VEHICLES", BY AMENDING ARTICLE I THEREOF, ENTITLED "IN GENERAL", BY AMENDING SECTION 24-3 THEREOF ENTITLED "PROHIBITED PARKING; PROHIBITED OPERATION OF VEHICLES", SEC. 24-3 (B) & (D) BY REVISING TEXT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the existing language does not allow staff to use motorized vehicles for Town designated purposes; and

WHEREAS, the Engineering Division desires to create specific language within the existing text for reinforcing the allowed use of motorized vehicles on our current canal, bicycle path and horse trail systems.

WHEREAS, the Engineering Division desires to add certain language to the existing text for clarification of permitted uses by town staff.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1: That Chapter 24 Code of Ordinances entitled "TRAFFIC AND VEHICLES", is hereby amended by amending Article I, thereof entitled "IN GENERAL", by amending Section 24-3, thereof entitled "PROHIBITED PARKING; PROHIBITED OPERATION OF VEHICLES", by modifying section 24-3 (B) and section 24-3 (D) to read and provide as follows:

CHAPTER 24 TRAFFIC AND VEHICLES

ARTICLE I "IN GENERAL"

Sec. 24-3. Prohibited parking; prohibited operation of vehicles.

(b) All motorized vehicles as defined by F.S. chapter 316.003 (23) are prohibited from being operated on the banks of the C-11 canal within the town, the canal banks being defined as extending from the southern edge of the concrete of Orange Drive to the northern edge of the concrete of Griffin Road. Any person convicted of violating this paragraph may be fined a maximum of one hundred dollars (\$100.00). Town staff may use motorized vehicles along the C-11 canal for official Town business, public safety access, park maintenance and for specialty events with the approval of Town Council.

(d) No person shall operate any motorized vehicle upon a designated bicycle path or horse trail within the corporate limits of the town. This section shall not apply to a person with a physical disability that

limits his or her mobility consistent with the Americans with Disabilities Act of 1990 (ADA) as it may be amended from time to time. Town staff may use motorized vehicles along Town designated bicycle path or horse trail for official Town business, public safety access, park maintenance and for specialty events with the approval of Town Council.

SECTION 2: That the provisions of this Ordinance shall be codified within the code of Ordinances of the Town of Davie, Florida, and any paragraph or section may be renumbered to conform to the Code of Ordinances.

SECTION 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4: That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

SECTION 5: This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2006

PASSED ON SECOND READING THIS _____ DAY OF _____, 2006

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

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